

§ 91.208

40 CFR Ch. I (7–1–07 Edition)

(iii) The manufacturer has set its FEL using good engineering judgment, pursuant to the provisions of § 91.118(h)(1)(ii) and (h)(2).

[64 FR 15239, Mar. 30, 1999, as amended at 65 FR 24314, Apr. 25, 2000; 70 FR 40451, July 13, 2005]

§ 91.208 Certification.

(a) In the application for certification a manufacturer must:

(1) Submit a statement that the engines for which certification is requested will not, to the best of the manufacturer's belief, cause the manufacturer to be in noncompliance under § 91.207(b) when all credits are calculated for all the manufacturer's engine families.

(2) Declare an FEL for each engine family for HC plus NO_x. The FEL must have the same number of significant digits as the emission standard.

(3) Indicate the projected number of credits generated/needed for this family; the projected applicable production/sales volume, by quarter; and the values required to calculate credits as given in § 91.207.

(4) Submit calculations in accordance with § 91.207 of projected emission credits (positive or negative) based on quarterly production projections for each family.

(5)(i) If the engine family is projected to have negative emission credits, state specifically the source (manufacturer/engine family or reserved) of the credits necessary to offset the credit deficit according to quarterly projected production.

(ii) If the engine family is projected to generate credits, state specifically (manufacturer/engine family or reserved) where the quarterly projected credits will be applied.

(b) All certificates issued are conditional upon manufacturer compliance with the provisions of this subpart both during and after the model year of production.

(c) Failure to comply with all provisions of this subpart will be considered to be a failure to satisfy the conditions upon which the certificate was issued, and the certificate may be deemed void *ab initio* pursuant to § 91.123.

(d) The manufacturer bears the burden of establishing to the satisfaction

of the Administrator that the conditions upon which the certificate was issued were satisfied or waived.

(e) Projected credits based on information supplied in the certification application may be used to obtain a certificate of conformity. However, any such credits may be revoked based on review of end-of-year reports, follow-up audits, and any other verification steps deemed appropriate by the Administrator.

§ 91.209 Maintenance of records.

(a) The manufacturer must establish, maintain, and retain the following adequately organized and indexed records for each engine produced:

- (1) EPA engine family,
- (2) Engine identification number,
- (3) Engine model year and build date,
- (4) Power rating,
- (5) Purchaser and destination, and
- (6) Assembly plant.

(b) The manufacturer must establish, maintain, and retain the following adequately organized and indexed records for each engine family:

- (1) EPA engine family identification code,
- (2) Family Emission Limit (FEL) or FELs where FEL changes have been implemented during the model year,
- (3) Power rating for each configuration tested,
- (4) Projected sales volume for the model year, and
- (5) Actual sales volume for the model year for each FEL where FEL changes have been implemented during the model year.

(c) Any manufacturer producing an engine family participating in trading reserved credits must maintain the following records on a quarterly basis for each such engine family:

- (1) The engine family,
- (2) The actual quarterly and cumulative applicable production/sales volume,
- (3) The values required to calculate credits as given in § 91.207,
- (4) The resulting type and number of credits generated/required,
- (5) How and where credit surpluses are dispersed, and
- (6) How and through what means credit deficits are met.